

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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ALEXANDER FINANCE C.D., INC.	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
ARKADY SIROTOVSKY, et.al.,	:	
Defendants and Third-Party	:	No. 02 CV 4977
Plaintiffs,	:	
	:	
v.	:	
	:	JURY TRIAL DEMANDED
PENN FINANCIAL GROUP, INC. et.al.	:	
Third-Party Defendants.	:	

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**THIRD-PARTY DEFENDANT GENE BURD’S MOTION FOR LEAVE  
TO FILE A REPLY TO DEFENDANTS’ RESPONSE TO  
MOTION TO DISMISS OF GENE BURD**

Third-Party Defendant GENE BURD (“Burd”) moves this Court, for the reasons set forth below, for a leave to file a reply to Third-Party Plaintiffs response styled as Defendant’s Response to Motion to Dismiss of Gene Burd.

Burd respectfully requests this Court’s permission to file a short reply to Third-Party Plaintiffs response to clarify and flesh out certain factual and legal issues which have been obfuscated by Third-Party Plaintiffs. Specifically, Burd would like to address the following issues:

- Complete failure of Third-Party Defendants to address legal and factual requirements for pleading of the RICO count;

- Misapplication by the Third-Party Defendants of the business judgment rule and the fiduciary duty allegations against directors and majority shareholders.
- Complete failure by the Third-Party Defendants to corroborate their claims sounding in contract, fraud, conversion, constructive trust, derivative action, and abuse of process as against Burd.

Respectfully submitted,

/s/ Gene Burd

Gene Burd, Esq.  
MARKS & SOKOLOV, LLC  
1835 Market Street, 28<sup>th</sup> Floor  
Philadelphia, PA 19103  
(215) 569-8901  
On Behalf of Himself

Dated: September 13, 2004

**CERTIFICATE OF SERVICE**

I, Gene M. Burd, hereby certify that a true and correct copy of the Third-Party Defendant Gene Burd's Motion For Leave To File A Reply To Defendants' Response To Motion To Dismiss Of Gene Burd, along with the Proposed Order was served on September 13, 2004, via first class mail as follows:

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**Marks & Sokolov, LLC**

By:

  
Gene M. Burd

Date: September 13, 2004